

EXHIBIT 3 (PART 1)

5:11-cv-306

**REGARDING RESPONSE TO
MOTION TO TRANSFER VENUE
DECLARATION OF WILLIAM SPENT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

WILLIAM C. SPENT, JR. d/b/a
SPENT SADDLERY & FEEDS,

Plaintiff,

v.

DAN GEOLFOS

Defendant.

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No. 5:11-CV-00306-XR

DECLARATION OF WILLIAM C. SPENT, JR.

William C. Spent, Jr. makes the following declaration under penalty of perjury in accordance with 28 U.S.C. § 1746:

1. My name is William C. Spent, Jr. I am over the age of 18, and I am competent and fully authorized to make this declaration. I have personal knowledge of the facts stated here in and they are all true and correct.

2. For over 45 years, I have operated Spent Saddlery & Feeds out of Oreana, Illinois. Spent Saddlery & Feeds is a retail store individually owned by me and primarily sells saddles, western wear, custom buckles, custom made saddles, tack, and related merchandise.

3. Team penning is an equestrian event whereby a team of riders will work together to sort three specifically numbered cattle out of a herd into a pen in the fastest possible time.

4. In 1990, because there was not an existing motif that accurately depicted the sport of "team penning," I created an original logo depicting three riders "penning" three head of cattle. In 1991, I registered the image with the United States Copyright Office. Attached as



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Exhibit A-1 is a true and correct copy of the Certificate of Registration and a certified copy of the logo, which is hereinafter referred to as the "Protected Work."

5. Subsequently, I have sold various belt buckles, key chains, pins, bolo ties, and clothing depicting the Protected Work at my store.

6. In 2009, I saw for the first time a website for Geolfos Silversmiths that showed my Protected Work and from that website learned that Mr. Geolfos, without my knowledge, permission, or consent, was creating, advertising, and offering for sale items containing the Protected Work. I have never given Dan Geolfos, either individually or doing business as Geolfos Silversmiths, permission or consent to use the Protected Work in any manner. I was not paid for the unauthorized use of my Protected Work and I had no knowledge that Geolfos Silversmiths was using my Protected Work until I found the Geolfos Silversmiths' website.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on June 3, 2011.


William C. Speft, Jr.